

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

APR 07 2006

Signature: *Sharon M. Sinton*

(Sharon M. Sinton)

DAC 1647  
Docket No.: 28110/36479  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Letters Patent of:  
Ballinger et al.

Patent No.: 6,365,726

Issued: April 2, 2002

For: POLYNUCLEOTIDES ENCODING IL-1 HY2  
POLYPEPTIDES

Serial No.: 09/578,458

Filed: May 22, 2000

Group: 1647

RECEIVED  
APR 17 2006  
TECH CENTER 1600/2900

**PETITION TO CORRECT INVENTORSHIP IN AN ISSUED  
PATENT PURSUANT TO 37 C.F.R. §1.324**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

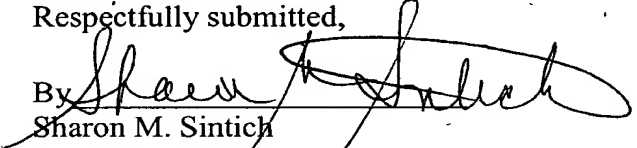
This petition is submitted under 37 CFR §1.324 to correct inventorship in U.S. Patent No. 6,365,726 pursuant to 35 U.S.C. §256. The correct inventors of the above-identified patent are Dennis G. Ballinger, Hai Shan Lin, and Ann M. Pace. The other listed inventors (John Ford and Alice Suk-Yue Ho) should be deleted as a result of claims cancelled during prosecution. The failure to correct inventorship during prosecution was inadvertent and carried out without deceptive intent.

Submitted herewith are: (i) statements pursuant to 37 CFR §1.324(b)(1) from all named inventors who are being deleted, (ii) statements pursuant to 37 CFR §1.324(b)(2) from all correctly named inventors agreeing with the change in inventorship requested herein, and (iii) statement pursuant to 37 CFR §1.324(b)(3) from the assignee, Nuvelo, Inc., agreeing with the change in inventorship requested herein.

The processing fee for correcting inventorship in a patent (\$130.00) due under 37 CFR §1.20(b) is enclosed herewith. If any other fees are due and owing in view of this communication, the Commissioner is authorized to charge Deposit Account No. 13-2855. A duplicate of this sheet is enclosed for that purpose.

Dated: April 4, 2006

Respectfully submitted,

By   
Sharon M. Sintich

Registration No.: 48,484  
MARSHALL, GERSTEIN & BORUN  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Agents for Applicant



PATENT  
Attorney Docket No: 28110/36479

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants:** Ballinger et al.

Patent No. 6,365,726

Issue Date: April 2, 2002

Serial No.: 09/578,458

Filed: May 22, 2000

Title: Polynucleotides Encoding IL-1 Hy2  
Polypeptides

Group Art Unit: 1647

REC  
APR 1

RECEIVED

APR 17 2006

TECH CENTER 1600/2900

## STATEMENT OF ASSIGNEE

Pursuant to 37 C.F.R. § 3.373(b), Nuvelo, Inc. states that it is the assignee of the entire right, title, and interest in U.S. Patent No. 6,365,726. The assignment for the above-identified patent was recorded at the U.S. Patent and Trademark Office, Reel 12473 and Frame 0397 and assigned the invention from the inventors to Hyseq, Inc. Subsequently, Hyseq, Inc. changed its name to Nuvelo, Inc. Attached is a copy of a Certificate of Merger dated January 31, 2003 showing that the name of Hyseq, Inc. was changed to Nuvelo, Inc., concurrent with the merging of Variagenics, Inc. into Hyseq, Inc.

A petition to correct inventorship in U.S. Patent No. 6,365,726 pursuant to 35 U.S.C. § 256 is filed herewith requesting that John Ford and Alice Suk-Yue Ho be deleted as named inventors of the patent. As a representative empowered to act on behalf of Nuvelo, Inc., I hereby agree with this change in inventorship.

3-2-06  
Date

her Bull

# Delaware

PAGE 1

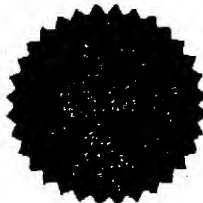
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"VARIAGENICS, INC.", A DELAWARE CORPORATION,

WITH AND INTO "HYSEQ, INC." UNDER THE NAME OF "NUVELO, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF NEVADA, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTY-FIRST DAY OF JANUARY, A.D. 2003, AT 12 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3620586 8100M

AUTHENTICATION: 2236196

030065718

DATE: 01-31-03

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 12:00 PM 01/31/2003  
030065718 - 2318054

**CERTIFICATE OF OWNERSHIP AND MERGER  
OF  
VARIAGENICS, INC.  
(a Delaware corporation)  
WITH AND INTO  
HYSEQ, INC.  
(a Nevada corporation)**

**UNDER SECTION 253 OF THE GENERAL  
CORPORATION LAW OF THE STATE OF DELAWARE**

Pursuant to Section 253 of the General Corporation Law of the State of Delaware, Hyseq, Inc., a Nevada corporation (the "Corporation"), hereby certifies the following information relating to the merger of Variagenics, Inc., a Delaware corporation ("Variagenics"), with and into the Corporation (the "Merger"):

1. The Corporation is the owner of 100% of the outstanding shares of capital stock of Variagenics.
2. At and as of the effective time of the Merger, the name of the Corporation shall be "Nuvelo, Inc."
3. The Board of Directors of the Corporation has determined to merge Variagenics with and into the Corporation, with the Corporation remaining as the surviving corporation pursuant to Section 253 of the Delaware General Corporation Law and Section 92A.180 of Chapter 92A of the Nevada Revised Statutes, and has adopted the following recitals and resolutions as of January 28, 2003:

**WHEREAS**, immediately following consummation of the Merger pursuant to the Merger Agreement, dated November 9, 2002, amongst the Corporation, Variagenics and Merger Sub, Variagenics will be a wholly-owned subsidiary of the Corporation;

**WHEREAS**, there has been submitted to and considered by the Board an Agreement and Plan of Merger (the "Upstream Merger Agreement"), by and between the Corporation and Variagenics, pursuant to which, among other things, Variagenics will merge with and into the Corporation, with the Corporation continuing as the surviving corporation pursuant to the provisions of Section 253 of the Delaware General Corporation Law and Section 92A.180 of Chapter 92A of the Nevada Revised Statutes (the "Upstream Merger");

**WHEREAS**, there has been submitted to and considered by the Board a Certificate of Ownership and Merger (the "Certificate of Ownership") in substantially the form attached hereto as Exhibit A for filing with the Secretary of State of the State of Delaware and Articles of Merger (the "Articles of Merger")

in substantially the form attached hereto as Exhibit B for filing with the Secretary of State of the State of Nevada, each merging Variagenics with and into the Corporation; and

**WHEREAS**, the Board has determined it is in the best interests of the Corporation and its stockholders to change the name of the Corporation at and as of the effective time of the Upstream Merger to "Nuvelo, Inc.";

**NOW, THEREFORE, BE IT RESOLVED**, that the Board hereby authorizes and approves the Upstream Merger Agreement, the Upstream Merger and the filing of the Certificate of Ownership with the Delaware Secretary of State and the Articles of Merger with the Nevada Secretary of State;

**RESOLVED FURTHER**, that the Board declares the Upstream Merger advisable (within the meaning of Section 253 of the Delaware General Corporation Law and Section 92A.180 of Chapter 92A of the Nevada Revised Statutes) for, and in the best interests of, the Corporation and its stockholders;

**RESOLVED FURTHER**, that the name of the Corporation shall be changed at and as of the effective time of the Upstream Merger to "Nuvelo, Inc.";

**RESOLVED FURTHER**, that the Board deems it advisable and in the best interests of the Corporation that the Corporation change its Nasdaq ticker symbol to the symbol "NUVO" or another similar symbol;

**RESOLVED FURTHER**, that the form of the Certificate of Ownership and Articles of Merger presented to the Board, with such changes thereof or additions or amendments thereto as any Authorized Officer of the Corporation shall determine to be necessary, appropriate or desirable, be and hereby are, approved and that the Authorized Officers of the Corporation be, and each of them hereby is, authorized, empowered and directed on behalf of and by the Corporation and in its name to execute, deliver and cause the Corporation to carry out the provisions of, and perform its obligations under, the Certificate of Ownership and the Articles of Merger, in substantially the form presented to the Board, with such changes therein or additions or amendments thereto as the Authorized Officer executing and delivering the Certificate of Ownership and the Articles of Merger shall determine to be necessary, appropriate or desirable, such determination to be conclusively evidenced by the execution and delivery of the Certificate of Ownership and the Articles of Merger;

**RESOLVED FURTHER**, that the Corporation does hereby agree that it may be served with process in the State of Delaware in any proceeding for enforcement of any obligation of Variagenics, as well as for enforcement of any obligation of the Corporation arising from the Upstream Merger; does hereby irrevocably appoint the Secretary of State of the State of Delaware as its agent to accept service of process in any such proceeding; and does hereby specify the

following address without the State of Delaware to which a copy of such process shall be mailed by the Secretary of State of the State of Delaware: 670 Almanor Avenue, Sunnyvale, California 94085, Attention: General Counsel.

***General Resolutions***

**FURTHER RESOLVED**, that the Authorized Officers of the Corporation, or any one of them, be, and each hereby is, authorized, empowered and directed to prepare, execute and deliver such agreements, amendments and other documents, to make such filings, to seek necessary approvals, including governmental consents and contract consents, to pay such fees and expenses, to consult with such counsel and other advisers, and to take or cause to be taken all such actions as may be necessary, appropriate or desirable in order to carry out the purpose of each of the foregoing resolutions and the intent thereof, including all things incidental thereto, and that any such action or execution taken prior to the date hereof be and hereby is ratified; and

**RESOLVED FURTHER**, that for purposes of these resolutions, "Authorized Officers" shall mean the Chief Executive Officer, Chief Financial Officer, General Counsel or any Executive Vice President of the Corporation.

IN WITNESS WHEREOF, HYSEQ, INC. has caused this  
Certificate of Ownership and Merger to be executed on this 31st day of January,  
2003.

**HYSEQ, INC.,**  
a Nevada corporation

By: /s/ Ted W. Love

Name: Ted W. Love

Title: President and Chief Executive Officer





PATENT  
Attorney Docket No: 28110/36479

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ballinger et al.

Patent No. 6,365,726

Issue Date: April 2, 2002

Serial No.: 09/578,458

Filed: May 22, 2000

)  
)  
) Title: Polynucleotides Encoding IL-1 Hy2  
) Polypeptides  
)  
) Group Art Unit: 1647  
)  
)  
)

**RECEIVED**

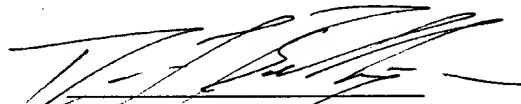
APR 17 2006

TECH CENTER 1600/2900

**STATEMENT OF DENNIS G. BALLINGER REGARDING CORRECTION OF  
INVENTORSHIP UNDER 37 C.F.R. § 1.324(b)(2)**

I am a currently named inventor in U.S. Patent No. 6,365,726. A petition to correct inventorship in U.S. Patent No. 6,365,726, pursuant to 35 U.S.C. § 256 is filed herewith, requesting that John Ford and Alice Suk-Yue Ho be deleted as named inventors of this patent. I hereby agree with this change in inventorship.

2-20-06  
Date

  
Dennis G. Ballinger



PATENT  
Attorney Docket No: 28110/36479

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ballinger et al.

Patent No. 6,365,726

Issue Date: April 2, 2002

Serial No.: 09/578,458

Filed: May 22, 2000

)  
)  
) Title: Polynucleotides Encoding IL-1 Hy2  
) Polypeptides  
)  
) Group Art Unit: 1647  
)  
)  
)

**RECEIVED**

APR 17 2006

TECH CENTER 1600/2900

**STATEMENT OF HAI SHAN LIN REGARDING CORRECTION OF  
INVENTORSHIP UNDER 37 C.F.R. § 1.324(b)(2)**

I am a currently named inventor in U.S. Patent No. 6,365,726. A petition to correct inventorship in U.S. Patent No. 6,365,726, pursuant to 35 U.S.C. § 256 is filed herewith, requesting that John Ford and Alice Suk-Yue Ho be deleted as named inventors in this patent. I hereby agree with this change in inventorship.

2/28/2006  
Date

Hai Shan Lin  
Hai Shan Lin





PATENT  
Attorney Docket No: 28110/36479

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ballinger et al.

Patent No. 6,365,726

Issue Date: April 2, 2002

Serial No.: 09/578,458

Filed: May 22, 2000

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Title: Polynucleotides Encoding IL-1 Hy2  
Polypeptides

Group Art Unit: 1647

**RECEIVED**

APR 17 2006

TECH CENTER 1600/2900

**STATEMENT OF ALICE SUK-YUE HO REGARDING CORRECTION OF  
INVENTORSHIP UNDER 37 C.F.R. § 1.324(b)(1)**

I am a currently named inventor in U.S. Patent No. 6,365,726. A petition to correct inventorship in U.S. Patent No. 6,365,726, pursuant to 35 U.S.C. § 256 is filed herewith, requesting that John Ford and I be removed as named inventors in this patent. I hereby agree with this change in inventorship.

2/2/06

Date

Alice Suk-Yue Ho

